

Appln. No.: 09/820,378  
Amdt. dated 11/09/04  
Reply to Office Action of 09/09/04

### REMARKS

Claims 1, 5-12, 20 and 24-34 are pending and remain for consideration.

Claims 7 and 32 are amended herein.

Claims 7 and 32 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The rejection is traversed and reconsideration is respectfully requested, particularly in view of the clarifying amendments to the claims.

Claim 7 is amended in accordance with the Examiner's suggestion. Claim 32 is amended to clarify that the virtual axis is substantially disposed on the shave plane as described on page 9 of the specification, and as shown by the reference designation "C" in FIG. 7 and the reference designation "G" in FIG. 8. Accordingly, it is respectfully submitted that the § 112 rejection is now overcome.

Claims 1, 5-7, 9, 11, 12, 24-27 and 28 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,442,850 to Coffin (hereinafter "Coffin"). The rejection is traversed and reconsideration is respectfully requested.

Coffin is directed to a razor having a reusable assembly and a disposable blade cartridge. The reusable assembly for use with the blade cartridge 1, shown in Figs. 1 and 2, is indicated generally at 42 and shown in Figs. 3 and 4. The disposable blade cartridge 1 includes blades, a blade supporting structure, and may also include a shaving aid. The guard element is part of the reusable assembly which consists basically of a sub-seat 14, a housing 19 and a slider 25. More specifically, the guard bar, which is a permanent part of the reusable assembly, is pivoted about a guard bar axis 16 on the housing 19. The Coffin guard bar axis is fixed relative to the housing. The disposable blade cartridge is pivoted about a second axis 18 fixed relative to the sub-seat 14.

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The razor assembly disclosed in Coffin and that disclosed in the present application are patentably distinguishable in that the guard bar axis of Coffin is fixed relative to the housing or handle of the Coffin razor, whereas a feature of the present invention is the ability to shift the guard bar axis from one location relative to the razor handle to another location in response to shaving forces applied during the normal shaving process. In the Coffin razor the blades carried by the blade cartridge are arranged to pivot and move toward and away from the guard bar during the shaving process. The Coffin patent does not teach or in any way suggest shifting of the guard bar and blade center axis during the normal shaving process.

In other words, Coffin does not teach or suggest a shaving system having a system axis being generally coaxially aligned with one part of a blade assembly when the blade assembly is in a first position and generally coaxially aligned with another part of the blade assembly when the blade assembly is in a second position, as recited in claim 1 of the present application. Likewise, Coffin does not teach or suggest a shaving system including a pivot frame supporting a pivot assembly for pivotal movement about a virtual pivot axis substantially coincident with one part of a blade assembly when the blade assembly is in a first position and substantially coincident with another part of the blade assembly when the blade assembly is in a second position, and wherein the blade assembly and the pivot assembly are pivotally movable about a virtual pivot axis in response to shaving force applied to the blade assembly, as recited in independent claim 24.

The claims of the present application are generally directed to a shaving system wherein a pivot frame and a pivot assembly cooperate to establish a system axis spaced from the pivot frame and the pivot assembly and which system axis

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provides the pivot axis for the pivot assembly. The blade assembly pivots on and relative to the pivot assembly between first and second positions.

The claimed structures are constructed and arranged to shift the blade assembly between the first position, wherein one part of the blade assembly, such as the blade group center, is coaxially aligned with the pivot axis of the system, and a second position wherein another part of the blade assembly, such as the guard-bar, is coaxially aligned with the pivot axis of the system, all of which occurs in response to changes in the shaving forces applied to the blade assembly. The claimed structures provide all of the advantages of both a blade center pivot arrangement and a guard-bar pivot arrangement. The system is automatically operable to provide these features when and as needed during the normal shaving process.

For an anticipation rejection to be appropriate, each and every element in a rejected claim must be disclosed in a single prior art reference used in the claim rejection. Because Coffin does not teach or suggest the above-described elements recited in claims 1 and 24, it cannot be maintained that Coffin anticipates claims 1 and 24. Moreover, because claims 5-7, 9, 11, 12, 25-27 and 28 each ultimately depend from and thereby incorporate the limitations of one of independent claims 1 and 24, these dependent claims are not anticipated by Coffin for at least the reasons set forth for the independent claims.

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coffin. Claim 8 depends from and thereby incorporates the limitations of claim 1. The rejection is traversed and reconsideration is respectfully requested.

It has been demonstrated above that Coffin contains insufficient teaching to anticipate claim 1 from which rejected claim 8 depends. It therefore follows that Coffin also contains insufficient teaching to render obvious claim 8.

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Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coffin in view of U.S. Pat. No. 6,161,288 to Andrews (hereinafter "Andrews"). Claim 10 depends from and thereby incorporates the limitations of claim 1. The rejection is traversed and reconsideration is respectfully requested.

Andrews is directed to a single-head bidirectional razor device having an elongated bidirectional razor head with flexible guards along both outer longitudinal edges. The razor head may be constructed as a removable cartridge if desired, and has first and second sets of razor blade strips positioned within the head in a substantially common working plane, with their sharpened edges pointing outwardly. The working plane is defined in part by the flexible guards, which preferably are formed as elongate pliable fins arranged adjacent the outer edges of the razor head. The first and second sets of razor blade strips may consist of one, two or three razor blade strips, and are each preferably mounted for individual spring-loaded movement. The user gently presses the razor head against the skin to be shaved, and then moves the head in one direction for contacting blades from the first set against the user's skin for cutting hair, and then, without lifting the razor head from the skin, moves the head in the opposite direction so that blades from the second set cut hair during this reverse movement.

The Examiner apparently cites Andrew for discussing a blade assembly that is pivotally movable through an angle of approximately 45 degrees. However, it has been demonstrated above that Coffin contains insufficient teaching to anticipate claim 1 from which rejected claim 10 depends. It therefore follows that Coffin also contains insufficient teaching when taken either alone or in combination with Andrews to render obvious claim 10.

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Claims 20 and 24-34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,661,498 B1 to King et al. (hereinafter "King") in view of U.S. Pat. No. 6,112,412 to Richard (hereinafter "Richard"). The rejection is traversed and reconsideration is respectfully requested.

King is directed to a razor assembly having a razor cartridge designed for pivotal, swivel and torsional movement during shaving. The assembly includes a handle and a flexible member having a first end connected to the handle at a pivot axis, a second free end extending beyond the handle and a longitudinal axis extending through the first and second ends of the flexible member. The razor cartridge, which has a major axis and one or more razor blades, is pivotally connected to the second free end of the flexible member for pivoting about an axis that is substantially parallel to the major axis of the razor cartridge. In addition, the second free end of the flexible member, and the razor cartridge pivotally connected thereto, are movable along an arcuate path centered at the pivot axis and are rotatable about an axis substantially parallel to the longitudinal axis of the flexible member.

All of the embodiments of King disclose a razor cartridge that does not pivot about a virtual axis, but rather is pivotally connected to a cylindrically-shaped rod so as to pivot about a fixed longitudinal axis  $A_1$ . (See col. 4, lines 17-21; col. 6, lines 22-28; col. 6, lines 50-55; col. 6, line 65 to col. 7, line 6; and col. 7, lines 26 and 27). In addition to pivoting motion, King discusses other types of motion including torsional motion about an axis  $A_2$  located along a longitudinal axis of a flexible member, and a swivel motion of a flexible member about an axis  $A_3$  located substantially below the razor cartridge along the flexible member. None of these axes permits the cartridge to pivot about an axis located on the shave plane or a part

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of the razor cartridge when in a first position, and about an axis located on another part of the shave plane or razor cartridge when in a second position, as generally recited in independent claims 20, 24 and 29 of the present application.

Richard is directed to a multi-bladed razor cartridge and assembly wherein the razor cartridge includes a frame having an open rear section. In one embodiment, a spring arm extends from a handle to engage a bearing surface of the cartridge and to urge the cartridge to pivot to a rearmost position when the razor assembly is not in use. The cartridge includes horizontally extending beams that allow the cartridge to flex so as to bias the frame in order to return to an at-rest position. In another embodiment, the spring arm extends from a pivot frame to urge the cartridge to the rearmost position. The pivot frame (of the second embodiment) also includes first and second journal members for pivotal mounting of the cartridge.

The Examiner apparently cites Richard for mentioning a shaving assembly including a guard bar and three blades. However, Richard does not teach or suggest a shaving assembly adapted to permit the razor cartridge to pivot about an axis located on the shave plane or a part of the razor cartridge when in a first position, and about an axis located on another part of the shave plane or the razor cartridge when in a second position, as generally recited in independent claims 20, 24 and 29 of the present application. Accordingly, the teaching of Richard does not materially add to the teaching of King to render claims 20, 24 and 29 obvious. Moreover, because claims 25-28 and 30-34 each ultimately depend from and thereby incorporate the limitations of one of independent claims 20, 24 and 29, these dependent claims are not obvious for at least the reasons set forth for the independent claims.

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In view of the foregoing, it is respectfully submitted that claims 1, 5-12, 20 and 24-34 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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